

# Tri-City mom in alternative program heads to jail

**By Paula Horton, Tri-City Herald**

KENNEWICK — A young mother will now spend a year in prison after she violated the terms of a special sentencing alternative that allowed her to get treatment instead of being locked up.

Shayla Kern, 20, pleaded guilty last summer in Benton County Superior Court to delivering methamphetamine. She was sentenced in October to a year of community supervision so she could stay with her now 3-year-old daughter.

Kern was the first in the Tri-Cities to request the Family and Offender Sentencing Alternative, which has been in effect for a year and is designed to allow nonviolent defendants with minor children to get supervision and treatment instead of prison.

The law was designed to help keep families together and break the cycle of intergenerational crime.

It was not immediately known how many other defendants have been sentenced under the new program, but Kern is now the first in the Tri-Cities to have her FOSA revoked.

She was sentenced Wednesday to one year in prison after Judge Bruce Spanner found she violated the terms of her release.

"I accept what I did and I accept my charges and let's get this done with so I can go home and do what I need to do," Kern said.

Kern, who lived in Richland when she was arrested, was evaluated in August by state Department of Corrections officials who approved her participation in the program.

Kern admitted a strong addiction to marijuana and said she knew delivering meth was wrong, but she and her boyfriend sold drugs to help pay for her addiction and to cover bills, court documents said.

Officials said they were concerned that Kern continued to use marijuana, knowing the consequences for her and her daughter, but said they thought it was in the best interest of the child to keep Kern out of prison.

At the time, Kern was attending Freedom Church in Walla Walla, was enrolled in their discipleship program and was enthusiastic about the positive people she was meeting, documents said.

She said she wanted to live a better life for herself and her daughter, and officials said it appeared Kern was already taking some positive steps toward a better life.

On Oct. 13, Judge Vic VanderSchoor agreed to follow the recommendation and ordered her to serve one year of community supervision under the FOSA program.

Kern's violations began within a month when she tested positive for marijuana.

In December, she lost her housing at the Oxford House because of disruptive behavior after she pulled her daughter to a room by her hair when the toddler tried to ingest a prescription pill, documents said. Kern admitted that she had been "trading pills" with another housemate, documents said.

In January, she admitting having contact with a felon outside of treatment and she agreed to enroll in treatment and fill out a visitor log detailing who she had contact with daily.

In March, Shallon Sanders, a community corrections officer assigned to supervise Kern, recommended she be revoked from the program after Kern allegedly committed four more violations.

Kern, who had moved to her aunt's home in Yakima, was found in March to be packing a bag and saying she was moving out without getting approval, Sanders said.

Kern didn't complete her required chemical dependency treatment after she missed a treatment session and was late to another. She was also refused a drug test, documents said.

Kern also exchanged phones numbers with a man who was a sex offender while in the lobby of Sanders' office, and had contact with another felon with a robbery conviction.

Even after again being told not to have contact with felons, on March 11, Kern was found in her aunt's house with a convicted robber and said they had been dating for more than three weeks.

That's when Kern was arrested and returned to jail.

\* Herald staff writer Kristin M. Kraemer contributed to this report.